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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,292	01/14/2004	Yutaka Tohgi	0307683 H8058US	4511

7590 10/02/2008

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EXAMINER	
WANG, HARRIS C	
ART UNIT	PAPER NUMBER
2139	
MAIL DATE	DELIVERY MODE
10/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/757,292	TOHGI ET AL.	
	Examiner	Art Unit	
	HARRIS C. WANG	2139	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/18/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 1 and 3-8 are pending

Response to Arguments

Applicant's arguments filed 6/23/2008 have been fully considered but they are not persuasive.

The Applicant has amended to include "a plug-in management file for defining executable operative functions of the plug-in modules among a plurality of functions of the respective plug-in modules"

Yamanaka teaches a plug in management file for defining executable operative functions of the plug in modules as described in the previous Office Action. *("The plug-in download unit **5** downloads a module file concerning a plug-in module necessary for displaying received contents" Column 4, lines 43-46).* Yamanaka discusses a plurality of plugin functions of which each plug-in module has its own function. *("the plug-in management unit manages a plurality of plug-in modules and their use frequencies: Column 8, lines 43-44)*

Therefore the Examiner finds the Applicants arguments unpersuasive.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verosub (US 2004/0205028) in view of Yamanaka (US 6853960).

Regarding Claims 1, 3-8

Verosub teaches a plurality of contents to be purchased by the client (as seen by the Digital content store in Figure 1, the plurality of contents defined as the encrypted assets **18**, e.g. 18a-18p), as well as

a contents management file *(secure key locker, Figure 1)* managing respective licenses for the plurality of contents *("The license information 20 comprises the asset rights **20** for the encrypted content **18**, and comprises both an asset key and usage rights" Paragraph [0043]).*

and a contents processing execution device that executes processing of the contents to be processed, according to the functions of the modules permitted by said function permission device. *("The digital content store system comprises a unique digital*

rights management system and a back-end enabling system that controls these digital rights." Paragraph [0021])

the contents processing apparatus is connected to an external apparatus via a communication network, and the contents management file is obtained from the external apparatus via the communication network. *("In response to a proper license request **176**, the fulfillment server **40** sends or streams **178** the license **20** to the client **16**. The license **20** comprises both an asset key **22** and usage rights **24** for the asset" Paragraph [0062])*

the contents management file is rewritable and capable of being obtained independently of contents corresponding thereto. (In Fig. 3, in step 174 the server streams the asset down to the Client. In step 178 the server streams the license to the client). The Examiner interprets that if the usage information can be updated as described in Paragraph [0050] the control management file is inherently rewritable.

the contents are inhibited from being used when there is no contents management file corresponding to the contents (Fig. 11, Step 352, If Asset is copied or sent, without license, Asset is not usable).

As the license includes access rights for the encrypted content, the contents management file therefore manages operations for respective contents

Verosub however does not explicitly teach

plug-in modules for executing processing of the contents a plug-in setting device that sets plug-in modules corresponding to contents to be processed;

an operation recognition device that recognizes unlimited operations relating to execution of processing of the contents to be processed from the contents management file corresponding to the contents to be processed;

a plug-in function permission device that permits use of the operative functions defined by said plug-in management file and corresponding to the permitted operations identified by said operation recognition device, among functions of the plug-in modules installed by said plug-in setting device, with respect to the processing of the contents instructed to be executed by said execution instructing device and

contents information storage further stores a plug-in management file for defining executable operative functions of the plug-in modules where the plug-in management file is rewritable;

said plug-in function permission device permits use of the plug-in modules set by said plug-in setting device according to contents of the plug-in management file;

the contents are inhibited from being processed when there is no plug-in management file corresponding to the contents.

Yamanaka teaches plug-in modules for executing processing of the contents; (Plug-In Module **1**, Fig. 7);

a plug-in setting device that sets plug-in modules corresponding to contents to be processed; an operation recognition device that recognizes unlimited operations

relating to execution of processing of the contents to be processed from the contents management file corresponding to the contents to be processed;

Yamanaka teaches a plug-in function permission device that permits use of the operative functions defined by said plug-in management file and corresponding to the permitted operations identified by said operation recognition device, among functions of the plug-in modules installed by said plug-in setting device with respect to the processing of the contents instructed to be executed by said execution instructing device. (Figure 7 shows a Plug-in function permission device (Required Plug-In judgment unit) that permits use of the operative functions defined by plug-in management file among a plurality of functions of the respective plug-in modules (Plug-in management unit)) *("the required plug-in judgement unit **4** judges that the plug-in modules alpha and beta are required, the required plug-in judgement unit **4** notifies this to the plug-in-inside-history management unit **7**. The plug-in-inside-history management unit **7** stores that the plug-in modules alpha and beta are required in the present contents history display" Column 14, lines 37-43)*

Yamanaka further teaches that the contents information storage further stores a plug-in management file for defining executable operative functions of the plug-in modules where the plug-in management file is inherently rewritable and capable of being obtained independently of the contents; *("The plug-in download unit **5** downloads a module file concerning a plug-in module necessary for displaying received contents" Column 4, lines 43-46)*

Yamanaka teaches a plug in management file for defining executable operative functions of the plug in modules as described in the previous Office Action. *("The plug-in*

*download unit **5** downloads a module file concerning a plug-in module necessary for displaying received contents" Column 4, lines 43-46).* Yamanaka discusses a plurality of plugin functions of which each plug-in module has its own function. *("the plug-in management unit manages a plurality of plug-in modules and their use frequencies: Column 8, lines 43-44)*

If the plugin management file is used to define the operative functions of the plugin modules, it is inherent that said plug-in function permission device permits use of the plug-in modules set by said plug-in setting device according to contents of the plug-in management file.

It is inherent that the contents are inhibited from being processed when there is no plug-in management file corresponding to the contents. The purpose of the file is to contain "a plug-in module necessary for displaying received contents." Column 4, lines 43-46. Without the file, there is no plug-in module necessary for displaying the contents.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the contents processing apparatus of Verosub with the usage of plug-in modules, a plug-in setting device, a plugin management file, and a plug-in function permission device as taught by Yamanaka.

The motivation to modify is found in Paragraph [0090] of Verosub where Verosub admits that "while some elements of the digital content player are specific to operation

within the digital content store system… some elements may be provided through codec plugins." Yamanaka teaches a well known method of dealing with plugins.

Regarding Claim 7,

Verosub teaches a contents processing program executed by a contents processing apparatus comprising:

a contents information storage that stores contents, *("Once an encrypted asset is streamed or downloaded to the download manager at the client machine, the download manager stores the encrypted asset to a specified location" Paragraph [0073])*

a contents management file for managing licenses for the contents,

*("The asset rights module breaks the machine-bound asset rights into the encrypted asset key and encrypted usage rights and sends [them]…to the output module" Paragraph [0077], Fig. 1, shows that Asset Key **22** and usage Rights **24** are part of the License **26**)*

and a contents processing execution device that executes processing of the contents to be processed, according to the functions of the plug-in modules permitted by said plug-in function permission device. *("The digital content store system comprises a unique digital rights management system and a back-end enabling system that controls these digital rights." Paragraph [0021])*

the contents processing apparatus further comprises an update device that updates the plug-in management file. *("As needed the digital content player may interact through the client software, such as to communicate with the server, e.g. to update usage information" Paragraph [0051])*

Verosub however does not explicitly teach

plug-in modules for executing processing of the contents a plug-in setting device that sets plug-in modules corresponding to contents to be processed; an operation recognition device that recognizes unlimited operations relating to execution of processing of the contents to be processed from the contents management file corresponding to the contents to be processed;

a plug-in function permission device that permits use of functions corresponding to the unlimited operations recognized by said operation recognition device among functions of the plug-in modules set by said plug-in setting device;

contents information storage further stores a plug-in management file for defining executable operative functions of the plug-in modules where the plug-in management file is rewritable;

said plug-in function permission device permits use of the plug-in modules set by said plug-in setting device according to contents of the plug-in management file; the contents are inhibited from being processed when there is no plug-in management file corresponding to the contents.

Yamanaka teaches plug-in modules for executing processing of the contents; (Plug-In Module **1**, Fig. 7);

a plug-in setting device that sets plug-in modules corresponding to contents to be processed; an operation recognition device that recognizes unlimited operations

relating to execution of processing of the contents to be processed from the contents management file corresponding to the contents to be processed;

a plug-in function permission device that permits use of functions corresponding to the unlimited operations recognized by said operation recognition device among functions of the plug-in modules set by said plug-in setting device; *("the required plug-in judgement unit **4** judges that the plug-in modules alpha and beta are required, the required plug-in judgement unit **4** notifies this to the plug-in-inside-history management unit **7**. The plug-in-inside-history management unit **7** stores that the plug-in modules alpha and beta are required in the present contents history display" Column 14, lines 37-43)*

The Examiner interprets the plug-in setting device as the required plug-in judgement unit and the plug-in function permission device as the plug-in management unit (Fig. 7).

Yamanaka further teaches that the contents information storage further stores a plug-in management file for defining executable operative functions of the plug-in modules where the plug-in management file is inherently rewritable and inherently capable of being obtained independently of the contents; *("The plug-in download unit **5** downloads a module file concerning a plug-in module necessary for displaying received contents" Column 4, lines 43-46)*

If the plugin management file is used to define the operative functions of the plugin modules, it is inherent that said plug-in function permission device permits use of the plug-in modules set by said plug-in setting device according to contents of the plug-in management file.

It is inherent that the contents are inhibited from being processed when there is no plug-in management file corresponding to the contents. The purpose of the file is to contain "a plug-in module necessary for displaying received contents." Column 4, lines 43-46. Without the file, there is no plug-in module necessary for displaying the contents.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the contents processing apparatus of Verosub with the usage of plug-in modules, a plug-in setting device, a plugin management file, and a plug-in function permission device as taught by Yamanaka.

The motivation to modify is found in Paragraph [0090] of Verosub where Verosub admits that "while some elements of the digital content player are specific to operation within the digital content store system... some elements may be provided through codec plugins." Yamanaka teaches a well known method of dealing with plugins

Regarding Claim 8,

Verosub and Yamanaka teach a contents processing apparatus according to claim 1. While Verosub does teach the contents processing apparatus further comprises an update device. *("As needed the digital content player may interact through the*

client software, such as to communicate with the server, e.g. to update usage information" Paragraph [0051])

Verosub does not explicitly teach that the update device updates a plug-in management file. Yamanaka teaches "a plug-in download unit for downloading a module file concerning the plug-in module for displaying the received contents (Column 5, lines 49-53)."

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify update Verosub with plug-ins necessary for displaying the received contents.

Because Verosub and Yamanak both teach updating, and one of ordinary skill would be able to update Verosub with plug in management file containing the plug-ins necessary to display contents. The motivation is to provide a more versatile way to receive updates as suggested by Verosub (paragraph [0090])

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HARRIS C. WANG whose telephone number is (571)270-1462. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KRISTINE KINCAID can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Harris C Wang/
Examiner, Art Unit 2139

/Kristine Kincaid/
Supervisory Patent Examiner, Art Unit 2139